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10/573,536	03/27/2006	Hee-Kyung Lee	CU-4748 WWP	5461

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EXAMINER

BENGZON, GREG C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,536	Applicant(s) LEE ET AL.	
	Examiner GREG BENZON	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been examined. Claims 1-31 are pending.

Priority

This application claims benefits of priority from Foreign Application 10-2003-0067204 (KOREA) filed September 27, 2003.

The effective date of the claims described in this application is September 27, 2003.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 09/18/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-31 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 18-31 are directed towards '*package metadata*'. Upon inspection of the Applicant Specifications Page 10-12 the Examiner concludes said *package metadata* are nothing more than data structures containing functional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites a dependency on Claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16-29, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin (US Publication 2004/0220926).

Lamkin disclosed (re. Claim 1) a targeting and synchronization service providing system using package metadata for providing a variety of contents, each formed of components, in the form of a package by targeting and synchronizing the contents to diverse types of terminals, the system comprising:

a content service providing means for providing the contents and package metadata; (Lamkin-Paragraph 155-Paragraph 167, '*collection of content*')

a targeting and synchronization service providing means for receiving and storing the contents and the package metadata, obtaining a component and a content matched

Art Unit: 2444

with service request conditions requested by each terminal through analysis, and providing the matched component and content; (Lamkin-Paragraph 165-Paragraph 167)

and a terminal controlling/reproducing means for transmitting the service request conditions which are requested by the terminal to the targeting and synchronization service providing means, (Lamkin-Paragraph 165-Paragraph 167) and receiving the content and the component matched with the service request conditions from the targeting and synchronization service providing means. (Lamkin-Paragraph 165-Paragraph 167)

Claim 18 (re. package metadata) is rejected on the same basis as Claim 1.

Lamkin disclosed (re. Claim 2) wherein the targeting and synchronization service providing means includes: a storing means for storing the package metadata and the content which are inputted from the content service providing means; (Lamkin-Paragraph 155-Paragraph 167)

a service analyzing means for analyzing the service request conditions inputted from the terminal controlling/reproducing means and determining a content and a component which are matched with the service request conditions; (Lamkin-Paragraph 165-Paragraph 167) and

a service controlling means for providing the content and component determined in the service analyzing means to the terminal controlling/reproducing means. (Lamkin-

Art Unit: 2444

Paragraph 165-Paragraph 167)

Lamkin disclosed (re. Claim 3) wherein the package metadata include: package description information for selecting a package desired by a user (Lamkin-Paragraph 155-Paragraph 167, '*collection of content*' , Paragraph 313-Paragraph 322) and describing general information on an individual package to check whether the selected package can be acquired; (Lamkin-Paragraph 155-Paragraph 167, '*collection of content*') and

container metadata for describing information on a container which is a combination of diverse packages and formed of a set of items, each of which is a combination of components. (Lamkin-Paragraph 155-Paragraph 167, '*collection of content*', Paragraph 313-Paragraph 322)

Lamkin disclosed (re. Claim 4,19) wherein the container metadata include: descriptor information for describing information on a container; (Lamkin-Paragraph 194)

reference information including identification information for describing locations of packages and components included in the container; (Lamkin-Paragraph 194) and

item description information for describing information on the items included in the container. (Lamkin-Paragraph 194, Paragraph 324-Paragraph 328)

Lamkin disclosed (re. Claim 5,20) wherein the descriptor information includes: component metadata for describing general information on the components and information for each type of components; (Lamkin-Paragraph 194, Paragraph 324-Paragraph 328)

relation metadata for describing relation between items and components for forming and synchronizing components; (Lamkin-Paragraph 376) and

targeting condition metadata for describing conditions for a usage environment of the terminal to provide a targeting service for selecting an item and a component based on the diverse conditions of the terminal. (Lamkin-Paragraph 194, Paragraph 324-Paragraph 328)

Lamkin disclosed (re. Claim 6,21) wherein the component metadata include: component description metadata for describing general particulars of a component; (Lamkin-Paragraph 383-Paragraph 385) image component metadata for describing image attributes of an image component; (Lamkin-Paragraph 383-Paragraph 385) video component metadata for describing video attributes of a video component; audio component metadata for describing audio attributes of an audio component; (Lamkin-Paragraph 383-Paragraph 385) and application program component metadata for describing application program attributes of an application program component.

Art Unit: 2444

(Lamkin-Paragraph 178-184, Paragraph 383-Paragraph 385)

Lamkin disclosed (re. Claim 7,22) wherein the image attributes include a file size, a coding format, and a vertical/horizontal screen size. (Lamkin-Paragraph 137, Paragraph 163)

Lamkin disclosed (re. Claim 8,23) wherein the video attributes include media attributes of video, audio attributes of video, image attributes of video, and motion video attributes of video. (Lamkin-Paragraph 137, Paragraph 163)

Lamkin disclosed (re. Claim 9,24) wherein the audio attributes include a file size, a coding format, and channel information. (Lamkin-Paragraph 137, Paragraph 163)

Lamkin disclosed (re. Claim 10,25) wherein the application program attributes include application program classification information and media attribute information of the application program. (Lamkin-Paragraph 178-184)

Lamkin disclosed (re. Claim 11,26) wherein the relation metadata include: interaction relation information for describing relative importance between the components; (Lamkin-Paragraph 376) temporal relation information for describing a temporal sequence of component consumption; (Lamkin-Paragraph 376) and spatial relation information for describing relative locations of the components on presentation based on a user interface. (Lamkin-Paragraph 376)

Lamkin disclosed (re. Claim 12,27) wherein the targeting condition metadata include: user condition information for describing user environment characteristics; (Lamkin-Paragraph 165-Paragraph 167)

terminal condition information for describing terminal environment characteristics; (Lamkin-Paragraph 165-Paragraph 167)

network condition information for describing network environment characteristics connected with the terminal; and natural environment information for describing natural environment characteristics such as the location of a terminal.

Lamkin disclosed (re. Claim 13,28) wherein the user environment characteristics include a user preference, (Lamkin-Paragraph 20) user history, (Lamkin-Paragraph 325) surge information and visual/auditory difficulty information. (Lamkin-Paragraph

Art Unit: 2444

165-Paragraph 167)

Lamkin disclosed (re. Claim 14,29) wherein the terminal environment characteristics include codec capability, device attributes, and input/output characteristic information. (Lamkin-Paragraph 165-Paragraph 167)

Lamkin disclosed (re. Claim 16,31) wherein the natural environment characteristics include characteristics of audio/visual aspects, location information, and usage time of a digital item. (Lamkin-Paragraph 113, Paragraph 138,

Lamkin disclosed (re. Claim 17) wherein the identification information includes an arbitrary identifier, CRID, and a tree structure of a locator. (Lamkin-Paragraph 194, Paragraph 191)

Claim Rejections - 35 USC § 103

Art Unit: 2444

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin (US Publication 2004/0220926) further in view of Errico (US Patent 7055168).

While Lamkin substantially disclosed the claimed invention Lamkin did not disclose (re. 15,30) wherein the network environment characteristics include a bandwidth of a network connected with the terminal, a delay characteristic and an error characteristic.

Errico disclosed (re. 15,30) wherein the network environment characteristics include a bandwidth of a network connected with the terminal, a delay characteristic and an error characteristic. (Errico-Column 37 Lines 1-15)

Lamkin and Errico are analogous art because they present concepts and practices regarding the use of metadata to filter and render the multimedia content according to user preferences. At the time of the invention it would have been obvious to combine Errico into Lamkin in order to enable users to maintain/specify multiple separate user preference descriptions corresponding to, for example, different locations (e.g., at home, at the office, away from home, stationary versus traveling in a vehicle),

Art Unit: 2444

different situations.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

Art Unit: 2444

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Bengzon/
Examiner, Art Unit 2444